

OFFICE OF THE CITY CLERK

AUGUSTA, MAINE

May 13, 2004

Agenda for the regular City Council meeting to be held Monday, May 17, 2004 at 7:00 p.m., Council Chambers, City Center.

PUBLIC HEARING - Reapportionment of voting wards.

PUBLIC COMMENTS ON ITEMS LISTED ON THE AGENDA.

CONSENT AGENDA - All matters listed under this item will be considered routine and will be enacted by one motion. If a Councilor wishes to discuss one (or more) item(s), Councilor may ask to have the item(s) removed from the Consent Agenda and considered individually.

075 Manager (Bureau of City Clerk)
ORDERED, That minutes of the City Council meeting held May 3, 2004, submitted by the City Clerk be approved.

076 Manager (Bureau of Audit Accounts)
ORDERED, That Roll of Accounts #10 for the month of April 2004 in the amount of \$6,082,139.30 be approved.

077 Manager (Department of Finance)
ORDERED, That the report regarding the City's financial position through April 2004 be presented and accepted upon presentation.

078 Manager
ORDERED, That the City Council meetings in June be changed as follows:

Tuesday, June 1 - Regular Council Meeting
Monday, June 14 - Informational Meeting
Monday, June 21 - Regular Council Meeting
Monday, June 28 - Informational Meeting

OLD BUSINESS AND TABLED MATTERS

HAS BEEN READ, FIRST READING

072 Manager (Bureau of Planning)
BE IT ORDAINED, By the City Council of the City of Augusta, that the Land Use Ordinance be amended to create a new historic shoreland zoning district for Old Fort Western (the

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

072 Continued

Fort), along with maintenance requirements for shoreland vegetation adjacent to the Fort, by taking the following actions:

1. Amend Section 3.2.3.1, dealing with shoreland districts, by adding a new heading "f) Historic Waterfront District (HWD)" under section 3.2.3(1)(e) as follows:

3.2.3 OVERLAY DISTRICTS(1) SHORELAND DISTRICTS

- (a) Limited Residential District (LR)
- (b) Resource Protection District (RP)
- (c) General Development District (GD)
- (d) Limited Commercial District (LC)
- (e) Stream Protection District (SP)
- (f) Historic Waterfront District (HWD)

2. Amend Section 3.2.3.1, dealing with shoreland zoning districts, by adding new language describing the purpose and requirements of the new section "(f) Historic Waterfront District (HWD)" as follows:

3.2.3.1 (f). HISTORIC WATERFRONT DISTRICT (HWD).

(a) Purpose: For a specified area in front of Old Fort Western, a zone denoted as "Historic Waterfront District" shall be adhered to. This zone encompasses a distance of 350' measured south from Father Curran Bridge and a depth of 250' measured east from the high water mark in the Kennebec River to Old Fort Western. Shoreland Zoning Standards in this area will be in accordance with 5.3.1.3.(3). The purpose of this district is to protect bank stabilization and maintain key gateway viewscapes.

(b) Uses:

USES BY RIGHT -- NO PERMIT NEEDED; ALL APPLICABLE SHORELAND STANDARDS MUST BE MET:

Nonintensive recreational uses not requiring structures such as fishing and hiking. Forest Management Activities. Surveying and resource analysis. Fire Prevention Activities. Emergency operations. Agriculture. Wildlife management

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

072 Continued

practices. Soil and water conservation practices.
PERMITTED USES / ACTIVITIES -- REQUIRING PERMIT BY CEO AND
PRIOR APPROVAL BY TREE WARDEN

Cultural/Historic Buildings and Structures (and their
associated activities);

Clearing of vegetation for approved construction,
including lighting and other allowed uses.

Temporary piers, docks, wharfs, bridges, and other
structures and uses extending over or below the
normal high-water line or within a wetland.

Filling and earthmoving of less than 10 cubic yards.

Uses similar to allowed uses. Uses similar to uses
requiring CEO permit and prior approval by Tree
Warden

PERMITTED USES -- REQUIRING PERMIT BY LPI:

None.

CONDITIONAL USES -- REQUIRING PLANNING BOARD REVIEW:

None.

3. Amend Section 3.6.3.1(1)(c)(iv), dealing with general provisions of shoreland districts, to now require a distance of seventy-five (75) feet, as follows:

3.6.3.1 Shoreland districts.

(1) GENERAL PROVISIONS:

(c)(iv) Any construction or alteration of any permanent structure.

The DEP has determined that "adjacent" as used in section 3.6.3.1(1)(c) means within one hundred {100} feet. seventy-five feet.

4. Under Section 5.3.1.3, dealing with clearing of vegetation for development, add new subparagraph 5.3.1.3(3)(f) with the following new language:

(f) Notwithstanding other provisions of this subsection, in the Historic Waterfront District, in order to protect water quality and wildlife habitat, and to maintain historical integrity, ground cover will be required but will not extend over three (3) feet in height, except along the immediate water's edge. Taller vegetation may be left in place but will be left to the Tree Warden's discretion. To provide bank

OLD BUSINESS AND TABLED MATTERS (Con't)HAS BEEN READ, FIRST READING (Con't)

- 072 Continued
stabilization, a limited number of trees and tree species shall remain along the lower 25 feet of the river bank as determined by the Tree Warden. Non-native invasive species will be permitted to be removed, so long as vegetation is replanted in these areas and soil disturbance remediation is in place until vegetation is established. Any vegetative cover needs prior approval in writing from the City Tree Warden.

NEW BUSINESSPART 1 - ORDERS

- 079 Manager (Police Department)
BE IT ORDERED, That the City Council does hereby grant approval pursuant to Title 15 of the Maine Revised Statutes Annotated Sections 5824(3) & 5826(6) to the transfer of \$705.00, U.S. Currency, Defendant in Rem, or any portion thereof, on the grounds that the City of Augusta Police Department did make a substantial contribution to the investigation of this criminal case, namely, State of Maine v. Joshua Nathan Belliveau, Kennebec County Superior Court, Docket No. CR-04-190.

PART 2 - ORDER BEING READ FOR THE FIRST TIME
NO VOTE REQUIRED

- 080 Manager
BE IT RESOLVED, That there is hereby appropriated for the support of the departments of the City of Augusta, for payment of County Taxes, for the bonded indebtedness of the City, and for the other debts incurred by the City for the fiscal year beginning July 1, 2004, and ending June 30, 2005, the sum of \$44,129,295 of which a summary appears below.

BE IT FURTHER RESOLVED, That the amount to be raised from current real and personal taxes considering estimated departmental revenues, fund balance, and other sources of \$21,124,472 to be set at \$23,004,823. (See Attached)

COMMUNICATIONS

Committee Reports

City Manager's Report

Respectfully submitted,

Barbara E. Wardwell
City Clerk